

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 08 2008

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

JOSEPH MITCHELL,

Plaintiff - Appellant,

v.

SAN JOSE IMMIGRATION AND
CUSTOM ENFORCEMENT DIRECTOR;
et al.,

Defendants - Appellees.

No. 07-16933

D.C. No. CV-07-03843-SI
Northern District of California,
San Francisco

ORDER

FILED

FEB 12 2008

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

On January 11, 2008, this court ordered appellant, within 21 days, to pay the filing fees and show cause why the judgment in this appeal should not be summarily affirmed. The order warned appellant that failure to pay the fees and to show cause would result in the automatic dismissal of the appeal by the Clerk of the Court. To date, appellant has not complied with the court's order. Accordingly, this appeal is dismissed for failure to prosecute. *See* 9th Cir. R. 42-1.

The certified copy of this order sent to the district court shall constitute the mandate.

For the Court

Lisa Calero

Lisa Calero
Motions Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A

A TRUE COPY
CATHY A. CATTERSON
Clerk of Court
ATTEST

FEB 8 - 2008

by: *[Signature]*

Deputy

INTERNAL USE ONLY: Proceedings include all events.
07-16933 Mitchell v. San Jose Immigration, et al

JOSEPH MITCHELL
Plaintiff - Appellant

Joseph Mitchell
D-09632
[NTC prs]
CTF - Correctional Training
Facility
E-Wing-301u
P.O. Box 689
Soledad, CA 93960

v.

SAN JOSE IMMIGRATION AND
CUSTOM ENFORCEMENT DIRECTOR
Defendant - Appellee

No appearance
No Address
Generic Address
City,

R. CTF-SOLEDAD (ICE) AGENT
Defendant - Appellee

No appearance
(See above)